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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/378,514	08/20/1999	CONRAD B. MYRICK	70-99-002	9234
35005	7590	05/03/2006	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE, 6TH FLOOR DALLAS, TX 75201			THAI, CANG G	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/378,514	MYRICK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Cang G. Thai	3629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This is in response to an amendment file on 02/02/2006 for letter for patent filed on 08/20/1999. In the amendment, claim 1 has been cancelled. Claims 2-12 are pending in the letter.

### ***Response to Arguments***

1. The United States Patent and Trademark Office has considered the applicant's arguments filed on 02/02/2006, but has not found those arguments to be persuasive.

Applicant argues that the prior art fails to claim any benefit of priority to any of earlier filed application. Therefore, applicant argues that the earliest effective filing date is August 28, 2001. In response, it is noted that U.S. Patent Application Publication 2002/0049573 claims the benefit of Provisional Application No. 60/085,350, filed on May 13, 1998. This benefit is claimed in the first paragraph of the specification of U.S. Patent Application Publication No. 2002/0049573, as well as in the oath filed with this prior art reference. Thus, it is the examiner position that the publication has an effective filing date of May 13, 1998. Enclosed are copies of Non-provisional of Provisional Application No. 60/142,313, filed on July 2, 1999 and Non-provisional of Provisional Application No. 60/085,350, filed on May 13, 1998.

### ***Status of Claims***

Claims 2-12 have been examined.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 2-12 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application No. 2002/0049573 (EL ATA).

As for Claim 2, EL ATA discloses a method of computer modeling integrated business and information technology frameworks and architecture in support of a business comprising:

identifying in a computer manageable entities of the business and the existing information technology supported by each manageable entity {Page 1, Paragraph [0014], Lines 8-11, wherein this reads over “the initial model is constructed by simply mapping the available business applications to corresponding business processes defined in the business process design”};

generating by the computer an overall architecture for the business, the overall architecture defining how the manageable entities relate to each other and to the existing information technology {Page 2, Paragraph [0014], Lines 14-17, wherein this reads over “automated system iterate through sequences of performing modeling,

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comparison, and architecture modification stages until the modeled metrics satisfy the business requirements of the business process design”};

implementing in the computer a common language in order to articulate the overall architecture {Pages 1-2, Paragraph [0014], Lines 11-13, wherein this reads over the system architect is relieved from defining the supporting hardware and software components”};

generating by the computer a graphical representation of the overall architecture for the business according to the common language {Page 2, Paragraph [0016], Lines 1-2, wherein this reads over “the business design module 10 provides a graphical layout interface”};

determining by the computer information technology requirements for the business in response to the existing information technology and the relationship among the manageable entities {Page 2, Paragraph [0016], Lines 3-5, wherein this reads over “a business process design identifies business processes with a business organization and the flow of communication and workload among them”}; and

generating by the computer a plan for implementation and deployment of future information technology among the manageable entities based on the determined information technology requirements for display by the computer within the graphical representation of the overall architecture {Page 2, Paragraph [0016], Lines 6-7, wherein this reads over “the business process design defines a set of business requirements for each individual business process”};

wherein the overall architecture contains a plurality of components, the plurality of components including a strategic plan, a business architecture, an information architecture, an application architecture, a architecture, and an enterprise technology infrastructure, and an enterprise IT management framework {Page 2, Paragraph [0017], Lines 5-6, wherein this reads over “the layers of the model include a business layer, an application layer, and a technology layer”}.

As for Claim 3, EL ATA discloses the method of Claim 2, wherein the overall architecture addresses people, processes, and technology of the business {See Fig. 1, Element 10}.

As for Claim 4, EL ATA discloses the method of Claim 2, wherein the strategic plan component includes a business plan, a product plan, a financial plan, an organization plan, a marketing plan, and a future information technology plan in support of the aforementioned plans {See Fig. 1, Element 20}.

As for Claim 5, EL ATA discloses the method of Claim 2, wherein the business architecture component defines current business direction, objectives, and supporting processes as well as future direction, objectives, and supporting processes {See Fig. 1, Element 30}.

As for Claim 6, EL ATA discloses the method of Claim 2, wherein the information architecture component provides information and data management precepts, an information-application software portfolio, and a geo-structural view of existing and future information technology deployment {See Fig. 1, Element 60}.

As for Claim 7, EL ATA discloses the method of Claim 2, wherein the application architecture component defines an application software portfolio and integration relationships for the manageable entities of the business {See Fig. 1, Element 50}.

As for Claim 8, EL ATA discloses the method of Claim 2, wherein the technology infrastructure architecture component enables access information and geo-structural layouts for the existing and future information technology {See Fig. 2A, Element 140}.

As for Claim 9, EL ATA discloses the method of claim 2, wherein the enterprise information technology management framework component provides existing and future information technology services and products, management of the services, IT systems and network management, and the enterprise management organization capabilities, competencies, skills, and performance models {See Fig. 2A, Element 170}.

As for Claim 10, EL ATA discloses the method of Claim 2, further comprising:  
decomposing the manageable entities so that each manageable entity has a relative independence from other manageable entities but is in context with the overall enterprise architecture {See Fig. 2B, Element 230}.

As for Claim 11, EL ATA discloses the method of Claim 2, wherein the overall architecture provides the starting point for determining the context and foundation components and elements needed to build either a Strategic IT Plan, overall enterprise architecture, or enabling IT solutions for an enterprise {See Fig. 2B, Element 250}.

As for Claim 12, EL ATA discloses a computer readable medium including code for modeling integrated business and information technology frameworks and architecture support of a business, the code operable to:

receive data associated with manageable entities of the business and existing information technology supported by each manageable entity {See Fig. 1, Element 10};

generate an overall architecture defining how manageable entities of a business relate to one another and to the existing information technology, the overall architecture including:

a strategic business plan component providing context and guidance that drive definition of business functions, processes, systems, and organization {See Fig. 1, Element 20};

a business architecture component reflecting what the business does in the present as well as in the future to accomplish particular business requirements {See Fig. 1, Element 30};

an information architecture component representing what information is to be delivered to individuals across the business {See Fig. 1, Element 60};

an application architecture component supporting business process execution and information flow;

a technology infrastructure architecture component supporting execution of activities and defining what information technology components are needed to enable access to information {See Fig. 2A, Element 110};

an enterprise information technology management architecture component dealing with business and organizational management of providing information technology services and products as well as systems, network, and element management {See Fig. 2A, Element 130};



generate a plan for implementation and deployment of future information technology among the manageable entities pursuant to the various components of the overall architecture in response to how the manageable entities relate and to the existing information technology {See Fig. 2A, Element 140};

graphically displaying the overall architecture of the business {See Fig. 4, Element 400};

graphically displaying how the future information technology is to be implemented and deployed within the overall architecture in response to the generated plan {See Fig. 4, Element 405}.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

No claims are allowed.

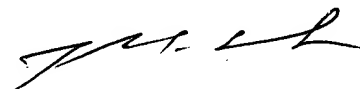
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cang (James) G. Thai whose telephone number is (571) 272-6499. The examiner can normally be reached on 6:30 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CGT  
03/07/2006



**JOHN G. WEISS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**